

Remarks

Claims 1-35 are pending in the application. All claims stand rejected. By this paper, claims 1, 18, and 19 have been amended, claims 20-35 have been canceled, and new claims 36-43 have been added. Reconsideration of all pending claims in view of the amendments and following arguments is respectfully requested.

Claim 19 was objected to because of a clerical error. The applicants have amended claim 19 in accordance with the Examiner's suggestion.

Claims 1-6, 8, 11-15, 18-24, 26, and 29-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Reynolds et al. ("Reynolds"). Claims 7, 8-10, 25, and 27-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Reynolds. Claims 16-17, 34-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Reynolds in view of Blacketter. These rejection are respectfully traversed as described below.

1. References Do Not Disclose or Suggest Replacing Triggers Based on Pre-Selected User Preferences

As amended, claim 1 recites a method for modifying enhanced programming for an interactive television system, comprising:

intercepting a first trigger at a cable operator facility, the first trigger being embedded in a television broadcast;

replacing the first trigger with a second trigger according to pre-selected customer preferences; and

sending the second trigger to the interactive television system with the television broadcast.

Support for this amendment is found at page 22 of the specification.

These claimed features allow a cable operator to provide different triggers to different customers based on the customers' preferences. For example, some customers may desire to receive interactive advertisements. Others may want such triggers blocked altogether. As noted in the specification, "a user [customer] may prefer to receive national business news, local weather, and international soccer scores." Specification at page 22.

The purpose of Reynold's meta data substitution system is to allow "local and/or regional broadcasters to tailor a broadcast to their local market." Paragraph [0015]. For example, Reynolds can "replace all or part of [a] national automobile ad with advertising that is targeted to [a] particular metropolitan area." Paragraph [0027]. This is apparently done without any reference to customer preferences. Reynolds, for example, does not disclose or even suggest that a first trigger is replaced by a second trigger according to pre-selected customer preferences. Neither of the other references discloses or suggests a meta data substitution system that relies on customer preferences.

Anticipation under section 102 is proper only if the reference shows exactly what is claimed. Titanium Metals Corp. v. Banner, 778 F.2d 775, 780, 227 USPQ 773, 777 (Fed. Cir. 1985); MPEP § 2131.01. Because neither of the cited references discloses or suggests customer-driven trigger replacement, the applicants respectfully submit that claim 1 is patentably distinct. Claim 19 has been amended to include similar limitations and is likewise believed to be patentably distinct for at least the same reasons.

2. References Do Not Disclose or Suggest Blocking Access to Enhanced Content Without Replacing Triggers

As amended, claim 18 recites a method for *blocking access to selected enhanced content* during a television broadcast, comprising:

intercepting a first trigger at a cable operator facility, the first trigger being embedded in a television broadcast;

*removing the first trigger from the television broadcast; and*

sending the television broadcast to an interactive television system of a customer without replacing the first trigger with a second trigger.

As explained in the specification,

not every user desires enhanced features all of the time. Triggers 402, like advertisements, often distract users from the television broadcast and may actually annoy some users. As enhanced content 404 is only available when triggers 402 are embedded in the broadcast, a cable operator may offer to systematically block the delivery of triggers 402 for certain subscribers or all subscribers.

Specification at page 16.

Contrary to the Office Action's assertions, Reynolds does not disclose or suggest a system for "blocking access to selected enhanced content during a television broadcast," as claimed. Furthermore, Reynolds does teach or suggest "sending the television broadcast to an interactive television system of a customer without replacing the first trigger with a second trigger." as amended.

Reynolds relates to substituting one set of meta data for another. See Figs. 2 and 4 of Reynolds, as well as paragraphs [0025]-[0028]. Not once does Reynolds suggest that distracting or annoying triggers are completely removed from the broadcast. As explained in paragraph [0041] of Reynolds, if substitution is permissible, the local meta data is retrieved from the local meta data center and

forwarded to the inserter, where it is inserted into the broadcast. If substitution is not permissible, as described in paragraph [0042], "the originally extracted meta data component 114 is forwarded, at 212, to the inserter 136," where it is likewise inserted into the broadcast. In neither case is meta data blocked or otherwise removed. Indeed, because Reynolds always requires insertion of meta data (original or substituted), it actually teaches against the claimed method for "*blocking access to selected enhanced content.*"

Because Reynolds does not disclose or suggest a system for "blocking access to selected enhanced content during a television broadcast," which sends "the television broadcast [without the first trigger] to an interactive television system of a customer without replacing the first trigger with a second trigger," the applicants respectfully submit that claim 18 is patentably distinct.

3. References Do Not Disclose or Suggest Blocking for Selected Customers

New claim 36 recites that the intercepting and removing steps are only performed for selected customers. Support for this amendment is found at page 16 of the specification ("a cable operator may offer to systematically block the delivery of triggers 402 for certain subscribers or all subscribers").

The references do not disclose or suggest, alone or in combination, the selective blocking of triggers on a customer-by-customer basis. Accordingly, new claim 36 is patentably distinct.

4. References Do Not Disclose or Suggest Selective Filtering of Triggers Based on Filtering Criteria

New claim 37 recites the further steps of:

storing filtering criteria for determining whether a particular trigger should be blocked; and

determining that the first trigger should be blocked based on the filtering criteria.

Support for this amendment is found at page 17 of the specification.

As explained above, neither of the references discloses or suggests blocking triggers, let alone filtering criteria for determining which triggers should be blocked. For example, neither of the references blocks a trigger corresponding to a commercial that is foreign to a viewing area of the customer, as recited in claim 38. Likewise, neither of the references blocks all triggers of a particular type, as recited in claim 39. Moreover, neither of the references blocks all interactive commercials, as recited in claim 40. Finally, neither of the references blocks triggers responsive to pre-selected customer preferences, as previously discussed. Accordingly, the applicants respectfully submit that claims 37-41 are patentably distinct.

5. References Do Not Disclose or Suggest Appending Links to a Trigger and Adding a Mechanism for Choosing Between the Links

New claim 42 recites a method for modifying enhanced programming for an interactive television system, comprising:

intercepting a first trigger at a cable operator facility, the first trigger being embedded in a television broadcast and comprising a first link;

creating a second trigger by appending a second link to the first link;  
and

replacing the first trigger with the second trigger within the television broadcast.

New claim 43 recites adding a mechanism to the second trigger for providing a customer with a choice between the first link and the second link. These claims are similar to original claim 17, which was rejected on the combination of Reynolds and Blackketter.

However, neither of the cited references discloses or suggests "appending" a second link to a first link to create a second trigger. Blackketter's "enhancement triggers" include "two or more information resources" from the outset. See Abstract. There is no teaching or suggestion of "appending" anything to Blackketter's triggers. Likewise, Reynolds does not disclose or suggest appending links (or anything else) to a trigger. Reynolds mentions substitution of national content with local content, but certainly does not disclose or suggest the claimed step of "creating a second trigger by appending a second link to [a] first link." This limitation is wholly absent in the cited references.

Finally, Blackketter does not disclose or suggest adding a mechanism to a trigger to allow a user to choose between the original and the appended link, thereby creating a choice where none previously existed. Indeed, there is no need to add such a mechanism to Blackketter because his enhancement triggers already include two or more information resources, as discussed above.

#### Conclusion

In view of the foregoing, independent claims 1, 18, 19, and 42 are believed to be in condition for allowance. All other claims are likewise patentably distinct by

virtue of their dependency upon one of the foregoing claims. Accordingly, all pending claims are believed to be patentably distinct. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Digeo, Inc.

By



Kory D. Christensen  
Registration No. 43,548

STOEL RIVES LLP  
One Utah Center Suite 1100  
201 S Main Street  
Salt Lake City, UT 84111-4904  
Telephone: (801) 328-3131  
Facsimile: (801) 578-6999